

REMARKS

Claims 1-34 were previously pending in this application. By this amendment, Applicant is canceling claims 5 and 29 without prejudice or disclaimer. Claims 1 and 28 have been amended. As a result, claims 1-4, 6-28, and 30-34 are pending for examination with claims 1 and 28 being independent claims. No new matter has been added.

Rejection Under 35 U.S.C. §112

The Office Action rejected claims 28-34 (not claims 24-34 as indicated in the Office Action) under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the term "adapted to" appearing in claims 28-30 and 32-34 was objected to as allegedly being optional language. Applicant respectfully disagrees that the use of the term "adapted" in claims 28-30 and 32-34 is optional. As discussed in the M.P.E.P §2111.04:

The determination of whether each of these clauses (is a limitation in a claim depends on the specific facts of the case. In *Hoffer v. Microsoft Corp.*, 405 F.3d 1326, 1329, 74 USPQ2d 1481, 1483 (Fed. Cir. 2005), the court held that when a "whereby" clause states a condition that is material to patentability, it cannot be ignored in order to change the substance of the invention." *Id.*

The use of the term "adapted" does not automatically give rise to an optional limitation, but rather a determination must be made as to whether the claim language suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. Taking claim 28 for example, "a collector adapted to receive data transmission information," the structure of a data collection is adapted to receive data transmission information. Clearly, a collector that is adapted to receive data transmission information is a structural change to the collector, and there is nothing optional regarding whether the collector is capable of receiving the data transmission information or not. Further, as known in the art of network management, there are existing collectors that may be configured to operate in a number of different ways, so such a claim form is believed to be proper. Therefore, the use of the "adapted to" language is not optional as used in the cited claims, and these limitations are seen as structural limitations.

Accordingly, withdrawal of the rejection of claims 28-30 and 32-34 under 35 U.S.C. §112, second paragraph, is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1-34 were rejected under 35 U.S.C. §102(e) as being anticipated by Gaddis, et al., U.S. Publication No. 2005/0201302 A1 (hereinafter “Gaddis”). In response, Applicant has amended claims 1 and 28, and respectfully traverses the rejection as outlined below.

Gaddis is directed to a system for managing traffic in a network comprising a backbone connected to a plurality of peering partners (Please see Abstract of Gaddis). Points on the network monitor traffic flows (Abstract). Routing management ensures that traffic is properly routed through preferred routes on the network, and avoids inefficient routing (Abstract). Intelligent routing ensures that bandwidth is requested and delivered topologically closely to peering partner networks, and that traffic is carried by the backbone for long haul data distribution in both directions (Abstract).

The intelligent routing exchange system comprises a backbone interconnected to a set of peering partner networks (Page 2, Para 0015). A Network Operations Center (NOC) develops a topological address space map of the overall intelligent routing network, and performs routing management (Page 2, Para 0015). The backbone is connected to a pool of peering partner networks through a set of regional Points of Presence (POPs) on the backbone (Page 2, Para 0016). Customers of the routing system connect at one of the POPs. A customer may be a web hosting company, an ISP, or corporate customer (Page 2, Para 0017).

The NOC collects detailed information regarding the topological locations of groups of IP addresses within the interconnected peering partner networks, relative to the entry points of the backbone. The NOC develops an address space map providing detailed information about the routing network by monitoring network traffic (Page 2, Para 0019). Information about the amount of traffic received at each POP entry point from various IP ranges is gathered at each POP (Page 2, Para 0019). The POP data is sent to the NOC for processing (Page 2, Para 0019).

The NOC develops “best route” information, which is distributed back to the set of POPs and the interconnected peering partner networks (Page 2, Para 0020). The “best route” information ensures that traffic is properly routed through preferred routes on the intelligent routing network, keeping traffic on the backbone when possible, and avoiding inefficient routing (Page 2, Para 0020). The NOC also selects new routes to be injected in the intelligent routing network in order to further improve the accuracy of the address space map (Page 2, Para 0020).

In particular, Gaddis analyzes traffic (packets) and existing route information to determine whether the traffic is properly being directed to the backbone (for long haul traffic) and creating route information to be distributed back to the POPs and peering router networks to adjust the forwarding of data to be more efficient.

By contrast, claim 1 as amended recites a method for correlating network information comprising obtaining control information from at least one of a plurality of network resources; storing, in a database, status information related to a change of the control information; obtaining data transmission information from the at least one of the plurality of network resources; and determining that the control information and the data transmission information are related.

Gaddis does not anticipate claim 1, as amended. In particular, Gaddis does not disclose, teach or suggest “storing, in a database, status information related to a change of the control information” as recited in claim 1, as amended. As discussed above, Gaddis collects traffic information and existing control information in order to make recommendations for later route changes. Gaddis does not store change of control information, as Gaddis is not concerned when changes occur in the routed network. In fact, Gaddis only collects traffic statistics periodically, and certainly only stores the current value of the route table in the network (Please see Page 9, Para 0115 – “Each POP creates a route entry table corresponding to the routes currently advertised at that particular POP.”). As route entries change, they are changed in the table, and no “history” of route changes are recorded (Please see Page 9, Para 0115 “As additional routes are added due to route deaggregation, deleted due to route aggregation, or added or withdrawn from peering partners on the intelligent routing system network, the route table 510 entries will change.”) Thus, Gaddis is incapable of storing or detecting a change in control information. Rather, Gaddis is concerned with determining the topology, measuring actual traffic statistics over time, and adjusting the routing topology based on the traffic statistics. No where is Gaddis concerned with a change in control information, as such information is not tracked and stored. Rather, according to one embodiment of the present invention as discussed by way of example and not limitation, control plane changes are monitored and collected (e.g., over time) including routing changes or system changes which have an impact on data forwarding (Please see, for example, the instant specification starting on Page 11, line 26 through Page 12, line 14). If a change in control plane information, an alert may be generated (e.g., in a log) or and alert may be sent to a network administrator. In summary, Gaddis does not disclose, teach or suggest

“storing, in a database, status information related to a change of the control information” as recited in claim 1, as amended, and therefore Gaddis does not anticipate claim 1.

Accordingly, withdrawal of this rejection is respectfully requested. Claims 2-4 and 6-27 depend from claim 1 and are allowable for at least the same reasons.

Independent claim 28 as amended recites a system comprising a collector adapted to receive data transmission information; a collector adapted to receive control information; and a correlator that correlates the received data transmission information and the received control information, wherein the correlator is adapted to store changes in control information periodically over a period of time.

Gaddis does not anticipate claim 28, as amended. In particular, Gaddis does not disclose, teach or suggest “correlator that correlates the received data transmission information and the received control information, wherein the correlator is adapted to store changes in control information periodically over a period of time” as recited in claim 28, as amended. As discussed above with reference to claim 1, Gaddis is incapable of storing changes in control information, as Gaddis only observes the current state of the routing network, and only stores the current version of the routing table. Thus, Gaddis does not anticipate claim 28.

Accordingly, withdrawal of this rejection is respectfully requested. Claims 30-34 depend from claim 28 and are allowable for at least the same reasons.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
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